

MAIL STOP PCT - MISSING PARTS  
Attorney Docket: 26728U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: Unknown

YACHIA, et al.

Examiner: Unknown

Serial Number: 10/533,640

Filing Date: May 3, 2005

Internatl. Appl. No.: PCT/IL03/00915

Internatl. Filing Date: November 4, 2003

Title: **IMPLANTABLE DEVICE WHICH IS FREELY MOVABLE IN A BODY CAVITY**

TRANSMITTAL LETTER

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Copy of Notification of Missing Requirements Under 35 U.S.C. 371;
- (3) Response to Notification of Missing Requirements Under 35 U.S.C. 371;
- (4) Executed Declaration and Power of Attorney;
- (5) Assertion of Small Entity Status;
- (6) Notification of the Recording of a Change;
- (7) Copy of Stamped Filing Receipt and Transmittal letter Concerning a Filing Under 35 U.S.C. 371 showing fees paid as a small entity;
- (8) Check No. 1175 \$ 65.00 Statutory Surcharge for the late filing of the Declaration and Power of Attorney as a small entity.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

11/18/2005 HKAYPAGH 00000069 10533640

01 FC:2617

65.00 OP

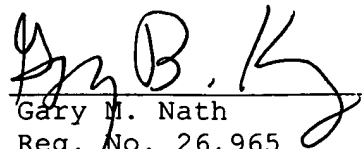
Date: November 15, 2005

**NATH & ASSOCIATES PLLC**  
1030 15<sup>th</sup> St., N.W., 6<sup>th</sup> Fl.,  
Washington, D.C. 20005-1503  
(202) 775-8383

GMN/GBK/le (IDS.NP)

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By:

  
Gary M. Nath  
Reg. No. 26,965  
Gregory B. Kang  
Reg. No. 45,273  
Customer No. 20529

MAIL STOP PCT

ATTORNEY'S DOCKET NUMBER: 26728U

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: 03 May 2005 (03.05.2005)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLN. NUMBER: (if known): Not Yet Assigned
INTERNATIONAL APPLICATION NUMBER: PCT/IL2003/000915	INTERNATIONAL FILING DATE: 04 November 2003 (04.11.2003)	PRIORITY DATE CLAIMED: 04 November 2002 (04.11.2002) IL
TITLE OF INVENTION: IMPLANTABLE DEVICE WHICH IS FREELY MOVABLE IN A BODY CAVITY		
APPLICANT(S) FOR DO/EO/US: Daniel YACHIA, Eran HIRSZOWICZ		

Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.
4. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)):  
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))  
  - a. ☐ are attached hereto (required only if not transmitted by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825
18. ☐ A second copy of the published international application under 35 USC 154(d)(4)
19. ☐ A second copy of the English language translation of the international application under 35 USC 154(d)(4)
20. ☒ Other items or information:  
 TRANSMITTAL LETTER; TRANSMITTAL LETTER TO U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING FILING UNDER 35 U.S.C. 371; INTERNATIONAL PUBLICATION NUMBER: WO 2004/041124 A1, WITH INTERNATIONAL SEARCH REPORT (PCT/ISA/210); INTERNATIONAL PUBLICATION DATE: 21 MAY 2004 (21.05.2004) WHICH CONSISTS OF 34 PAGES: 1 PAGE FOR THE COVER SHEET, WHICH CONTAINS THE ABSTRACT OF THE DISCLOSURE, 15 PAGES OF TEXTUAL SPECIFICATION, 5 PAGES OF 38 CLAIMS, 13 SHEETS OF DRAWINGS; PRELIMINARY AMENDMENT WITH ATTACHMENT A TO BE EXAMINED; UNEXECUTED INVENTOR'S DECLARATION AND POWER OF ATTORNEY; POSTCARD FOR EARLY NOTIFICATION OF SERIAL NUMBER.

ATTORNEY'S DOCKET NUMBER: 26728U

U.S. APPLICATION NUMBER: (If known): Not Yet Assigned	INTERNATIONAL APPLICATION NUMBER: PCT/IL2003/000915	DATE: 03 May 2005 (03.05.2005)
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The following fees are submitted:	CALCULATIONS	PTO USE ONLY
21. Basic National Fee ..... \$ 300.00	\$ 300.00	
22. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) ..... \$ 100.00 All other situations ..... \$ 200.00	\$ 200.00	
23. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office ..... \$ 400.00 All other situations ..... \$ 500.00	\$ 400.00	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.		
ENTER APPROPRIATE BASIC FEE AMOUNT =	\$ 900.00	

Surcharge of \$130.00 for furnishing the oath or declaration later than _____ 20 _____ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$ 0.00	
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CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE		
TOTAL	38-20=	18	X \$ 50.00	\$ 900.00	
INDEPENDENT	1- 3=	0	X \$ 200.00	\$ 0.00	
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,890.00	
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 900.00	
SUBTOTAL =				\$ 900.00	
Processing fee of \$130.00 for furnishing the English translation later than _____ 20 _____ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 900.00	
				Amount to be: refunded	\$
				charged	\$

U.S. APPLICATION NUMBER: (If known) Not Yet Assigned	INTERNATIONAL APPLICATION NUMBER: PCT/IL2003/000915	DATE: 03 May 2005 (03.05.2005)
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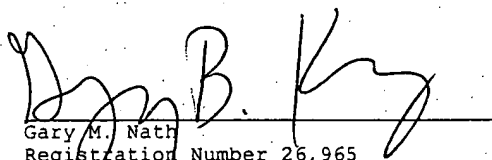
- a. ☒ One check in the amount of \$ 900.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account Number: 14-0112 in the amount of \$ \_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c. ☒ The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account Number: 14-0112.
- d. ☐ Fees are to be charged to a credit card \_\_\_\_ WARNING: Information on this form may become public \_\_\_\_ Credit Card Information should not be included on this form.  
\_\_\_\_ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

Gary M. Nath  
NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> Street, N.W., Sixth Floor  
Washington, D.C. 20005-1503

(202) 775-8383 (phone)  
(202) 775-8396 (fax)

  
\_\_\_\_\_  
Gary M. Nath  
Registration Number 26,965  
Gregory B. Kang  
Registration Number 45,273  
Customer Number 20529

**FILING RECEIPT**

Date: May 03, 2005                      Attorney: GMN/GBK  
Inventor: YACHIA, et al.  
International Application Number: PCT/IL2003/000915  
Serial Number: NOT YET ASSIGNED  
International Filing Date: 04 November 2003 (04.11.2003)  
Filing Date: May 03, 2005  
Title: **IMPLANTABLE DEVICE WHICH IS FREELY MOVABLE IN A BODY CAVITY**

**DOCUMENTS BEING FILED:**

**THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:**

- (1) Transmittal Letter;
- (2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (3) International Publication Number: WO 2004/041124 A1, with International Search Report (PCT/ISA/210), International Publication Date: 21 May 2004 (21.05.2004), which consists of 34 pages:
  - 1 page for the Cover Sheet, which contains the Abstract of the Disclosure,
  - 15 pages of Textual Specification,
  - 5 pages of 38 Claims,
  - 13 sheets of Drawings;
- (4) **Preliminary Amendment with Attachment A to be Examined;**
- (5) Unexecuted Inventor's Declaration and Power of Attorney;
- (6) Check Number: 22986 in the Amount of \$ 900.00 for Basic Filing Fee, Examination Fee, and Search Fee (\$ 450.00), and for Total Additional Claims Fee (\$ 450.00), for a Small Entity;
- (7) Postcard for early notification of serial number.

**NATH & ASSOCIATES PLLC**  
1030 15<sup>TH</sup> Street, N.W., 6<sup>TH</sup> Floor  
Washington, D.C. 20005-1503  
(202) 775-8383

**FILE CHECK**

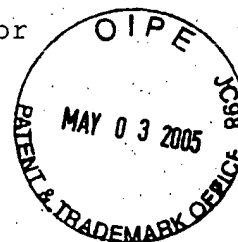
Prepared by:

Approved by:

Copy review:

Filed by:

*RE*  
*sh*  
*RE*



RETURN TO: L. ETHINGTON



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,640	Daniel YACHIA	26728U

20529  
 NATH & ASSOCIATES  
 1030 15th STREET, NW  
 6TH FLOOR  
 WASHINGTON, DC 20005

INTERNATIONAL APPLICATION NO.	
PCT/IL03/00915	
LA. FILING DATE	PRIORITY DATE
11/04/2003	11/04/2002

CONFIRMATION NO. 6269  
 371 FORMALITIES LETTER  
 \*OC000000017063486\*  
 \*OC000000017063486\*

Date Mailed: 09/26/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/03/2005
- Copy of the International Search Report filed on 05/03/2005
- Preliminary Amendments filed on 05/03/2005
- Information Disclosure Statements filed on 07/29/2005
- Oath or Declaration filed on 05/03/2005
- U.S. Basic National Fees filed on 05/03/2005
- Priority Documents filed on 05/03/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$850** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$980 for a Large Entity:

- \$130 Surcharge.
- Total additional claim fee(s) for this application is \$ 850
  - \$850 for 17 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response:*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,640	PCT/IL03/00915	26728U